



# RULE-MAKING ORDER

**CR-103 (June 2004)**  
(Implements RCW 34.05.360)

Agency: Department of Ecology AO # 08-16

☒ Permanent Rule  
☐ Emergency Rule

**Effective date of rule:**

**Permanent Rules**

☒ 31 days after filing.  
☐ Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

☐ Immediately upon filing.  
☐ Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

☐ Yes ☒ No If Yes, explain:

**Purpose:** The purpose of this rule making is to adopt updates to Chapter 173-423 WAC (Low Emission Vehicles) to accomplish two things: (1) Incorporate by reference (IBR) recent changes to California Clean Car regulations to maintain consistency with the California motor vehicle emission standards, and (2) Incorporate by reference California's Environmental Performance (EP) label requirement which provides global warming and smog emissions scores for new automobiles.

**Citation of existing rules affected by this order:**

Repealed: NA  
Amended: Chapter 173-423 WAC (Low Emission Vehicles)  
Suspended: NA

**Statutory authority for adoption:** RCW 70.120A.010 and RCW 70.120A.050

**Other authority :**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 08-21-132 on October 20, 2008.

Describe any changes other than editing from proposed to adopted version:

In: WAC 173-423-070 Emission standards, warranty, recall and other California provisions adopted by reference

**Change:**

1. Table 070(1) California Code of Regulations (CCR) Title 13 Provisions Incorporated by Reference Effective in Washington January ~~14~~, ((2006)) 2009

Reason: Effective date for Table 070(1) was updated to match the rule adoption date.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: NA – exempt from analysis under 34.05.328 (5)(v) which exempts language that is dictated by statute.

Name: NA – see above

phone ( ) \_\_\_\_\_

Address:

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:**

1/15/09

**NAME (TYPE OR PRINT)**

Jay J. Manning

**SIGNATURE**

**TITLE**

Director, Department of Ecology

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: January 15, 2009

TIME: 2:53 AM

**WSR 09-03-077**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>